

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 Case No.: 3:21-cv-00458-MMD-CSD

4 FEI FEI FAN,
5 Plaintiff

Order

Re: ECF Nos. 183

6 v.

7 YAN YAO JIANG and WEI WU,
8 Defendants

9 On April 23, 2025, Plaintiff filed a notice titled “Rule 37(a)(1) Notice Regarding
10 Defendant’s Discovery Failures and Request to Preserve Procedural Rights.” (ECF No. 183.) In
11 the notice, Plaintiff states that “should the Court decline to act on this filing, it issue specific
12 findings explaining how such inaction aligns with Rule 33, Rule 34, and constitutional fairness
13 under *Logan v. Zimmerman*, 455 U.S. 422 (1982).” (*Id.* at 2.)

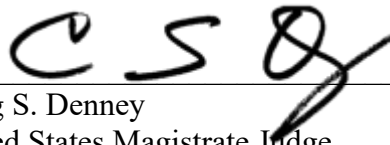
14 Pursuant to Federal Rule of Civil Procedure 7(b)(1), “[a] request for a court order must be
15 made by motion.” It is improper for Plaintiff to file a notice seeking the court “act on” or “issue
16 findings” without filing a proper motion supported by a memorandum of points and authorities.
17 LR 7-2(a). As the notice is not a motion, there is nothing for the court to act upon. The court also
18 notes that if Plaintiff seeks to file a discovery motion, she must comply with court’s discovery
19 dispute process as outlined in the court’s civil standing order, (ECF No. 71).

20 The court reminds Plaintiff that all parties, including parties proceeding *pro se*, are
21 required to follow the Federal Rules of Civil Procedure and the Local Rules. *Carter v. Comm’r of*
22 *Internal Revenue*, 784 F.2d 1006, 1008 (9th Cir. 1986) (“Although *pro se*, [plaintiff] is expected
23 to abide by the rules of the court in which he litigates.”). Plaintiff is also cautioned that failure to

1 comply with the Federal Rules of Civil Procedure, the Local Rules of this District, and the orders
2 of this court may result in future filings being denied or stricken. *Carter.*, 784 F.2d at 1008-09
3 (collecting cases) (explaining that a *pro se* litigant is “expected to abide by the rules of the court
4 in which he litigates”). Although the court will liberally construe *pro se* pleadings and will give
5 some latitude to *pro se* litigants, a continued failure to follow the court’s Local Rules and the
6 Rules of Civil Procedure may result in sanctions.

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8 **IT IS SO ORDERED.**

9 Dated: April 24, 2025

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12 Craig S. Denney
13 United States Magistrate Judge
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